

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIAREQUEST FOR MODIFYING THE CONDITIONS OR TERM OF
SUPERVISION WITH THE CONSENT OF THE OFFENDER
(Probation Form - Waiver of Hearing is Attached)Offender Name: Michael HomerCase No.: 11-00574Name of Sentencing Judicial Officer: The Honorable Timothy R. RiceDate of Original Sentence: October 31, 2012Original Offense: Attempted possession of oxycodone (Count One).Original Sentence: The defendant was sentenced to 7 months custody of the U.S. Bureau of Prisons with a 1 year term of supervised release to follow.Special Conditions: 1) The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon; 2) The defendant shall refrain from illegal possession and/or use of drugs and shall submit to urinalysis or other forms of testing to ensure compliance. It is further ordered that the defendant shall participate in drug treatment and abide by the rules of any such program until satisfactorily discharged; 3) The defendant shall provide full disclosure of financial records to include yearly income tax returns upon the request of the U.S. Probation Office. The defendant shall cooperate with the probation officer in the investigation of his financial dealings and shall provide truthful monthly statements of his income; 4) Upon release from the U.S. Bureau of Prisons, the defendant shall immediately be placed in a dual diagnosis mental health program for evaluation and/or treatment and abide by the rules of any such program until satisfactorily discharged; 5) The defendant is prohibited from incurring any new credit charges or opening additional lines of credit without the approval of the probation officer, unless the defendant is in compliance with any payment schedule for any fine or restitution obligation. The defendant shall not encumber or liquidate interest in any assets unless it is in direct service of the fine or restitution obligation or otherwise has the express approval of the Court; 6) The defendant was ordered to pay a \$25.00 special assessment due immediately; 7) The defendant was ordered to pay a fine in the amount of \$1,000.00 in monthly installments of \$100.00; and 8) The defendant shall contribute 200 hours of community service work assisting military veterans and/or their families as directed by the probation officer.

RE: Homer, Michael
Case No.: 11-00574

Modification of
Conditions:

On August 7, 2013, the defendant's conditions of supervision were modified to include a 60-day placement in a halfway house (RRC) at which time the defendant will enroll in drug treatment and mental health treatment. The Court temporarily suspended community service requirements until the defendant's housing situation stabilized.

Type of Supervision: Supervised Release

Date Supervision Commenced: June 13, 2013

U. S. Attorney's Response: No Objections

Objections

No Response

PETITIONING THE COURT

Reference is made to the Request for Modifying the Conditions or Term of Supervision with the Consent of the Offender, dated August 5, 2013, and signed by the Court on August 7, 2013, wherein the Court accepted the recommendation that the defendant be placed in halfway house (RRC) for a period of 60 days to facilitate completion of treatment, community service, as well as establish a stable residence. The Court also noted that community service hours were suspended until the defendant's housing situation stabilized. The defendant had voluntarily consented to the modification based on his lack of permanent housing and transportation. As a result, the defendant was placed by the U.S. Bureau of Prisons at Liberty Management Services (LMS), Philadelphia, Pennsylvania, on September 10, 2013, with conditions that he attend drug and mental health treatment and complete community service hours.

On November 4, 2013, the probation officer was notified that the defendant was going to be unsuccessfully discharged, from the RRC, for submission of positive urine results. The defendant had tested positive for controlled substances while at the RRC as follows: September 10, 2013, opiates; October 10, 2013, opiates; and October 22, 2013, amphetamines. This officer was also advised by RRC staff that the defendant had not attended, nor had he been placed by RRC staff, in treatment as ordered by the Court. Representatives from the probation office contacted RRC management, and the RRC advised that, given the lack of a formal treatment placement or referral by their staff, they are willing to allow the defendant to remain at the RRC for an additional period so that the defendant can attend treatment.

On November 4, 2013, the defendant agreed to the suggested modification, that he remain at the RRC for additional 45 days, and signed the attached waiver form. According to RRC records, the defendant has completed a total of 76 hours of community service. Additionally, to date, the defendant's housing needs remain unresolved.

RE: Homer, Michael
Case No.: 11-00574

☒ To modify the conditions of supervision as follows: The defendant shall remain at the RRC for an additional 45 days, from the original discharge date, during which time the defendant shall enroll in drug and mental health treatment. The defendant shall also continue to complete community service hours assisting military veterans and/or their families.

Respectfully submitted,

Ronald DeCastro
Chief U.S. Probation Officer

J. W. Fury
Jason W. Fury
U.S. Probation Officer

Approved:

J. D. Donahue
Charles D. Donahue, Jr.
Supervising U.S. Probation Officer
Date: 11/5/13

JWF/am
Attachment

ORDER OF THE COURT

Considered and ordered this
day of Nov, 2013
and ordered filed and made part of
the records in the above case.

J. D. Donahue
U.S. District Court Judge

(PAEP 12/09)

UNITED STATES PROBATION OFFICE
EASTERN DISTRICT OF PENNSYLVANIA

NOTICE FOR MODIFICATION OF SUPERVISION CONDITIONS

TO: Michael Homer
(Name)

Docket No. 11-00574-01

This is to notify you that the U.S. Probation Office intends to make a formal request to the Court that the conditions of supervision be modified as follows:

The defendant shall remain in the LMS Residential Re-entry Center (RRC) in Philadelphia, Pennsylvania for an additional 45-day period. While in the re-entry center the defendant shall participate in substance abuse and mental health (dual diagnosis) counseling. The defendant will also complete community service hours assisting military veterans and/or their families as ordered by the Court.

The reason for this modification and addendum to the conditions of supervision is:

The defendant is ordered to attend dual diagnosis treatment and complete community service hours (assisting veterans and/or their families). The defendant signed a Waiver of Modification agreeing to placement at an RRC, during which time the defendant would attend drug and mental health treatment, as well as complete community service hours. The Court approved the modification on August 7, 2013, the defendant was placed at LMS RRC in Philadelphia, Pennsylvania, on September 10, 2013. While at the RRC the defendant failed to attend drug treatment as ordered by the Court, and tested positive for controlled substances on multiple occasions.

You have the right to a hearing before the Court on the modification of the conditions of supervision, and the right to be represented by counsel at such hearing. You also have the right to waive such a hearing. You are asked to acknowledge receipt of this notice by signing the applicable portion of this form.

If you desire a hearing, simply sign the ACKNOWLEDGMENT AND REQUEST FOR HEARING portion of the form. You will be notified of the time, date, and location of the hearing.

If you wish to waive a hearing, sign the ACKNOWLEDGMENT AND WAIVER portion of the form.

ACKNOWLEDGMENT AND REQUEST FOR HEARING

I, Michael Homer, acknowledge receipt of the Notice for Modification of Supervision Conditions, and request a hearing.

Signature _____

Date: _____

ACKNOWLEDGMENT AND WAIVER OF HEARING

I, Michael Homer, acknowledge receipt of this Notice for Modification of Supervision Conditions. I have read and understand this Notice, that I have the right to a hearing before the Court, and the right to have legal representation at the hearing. However, I hereby waive my right to a hearing and agree to the proposed modification of the conditions of supervision. I also certify that no promises have been made in order to influence me to give up my right to a hearing, nor have any threats been directed at me if I had elected to proceed with a hearing.

Signature Mike Jones

Witness

U.S. Probation Office

Date: 11/4/2013